THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.24646 OF 2005

–

DATED: 13-12-2005

Between:

Y.Sambasiva Rao . . .Petitioner

And

The Managing Director, APSHCL, Hyderabad

and another . . .Respondents

–

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

–

WRIT PETITION No.24646 OF 2005

O R D E R:

The petitioner is employed as Manager in the Andhra Pradesh State Housing Corporation Limited. The post superior to that of the Manager is District Manager, in the Districts, and Deputy General Managers, in the Head Office. On 01-10-2003, the petitioner was posted as In-charge District Manager in Medak District. Subsequently, vide orders in G.O.Rt.No.217, dated 30-06-2005, the petitioner was transferred and posted as Deputy General Manager (FAC) in the Head Office. Corresponding orders were issued by the first respondent on the same day. The petitioner joined that office. Two months thereafter, the first respondent passed an order redesignating the petitioner as Manager. The petitioner filed WP.No.22048 of 2005 and obtained an order of interim direction. In the interim orders passed in that writ petition, it was observed that the first respondent cannot treat the petitioner as Manager as long as the orders passed by the second respondent in G.O.Rt.No.217, dated 30-06-2005 are in vogue. It is, in this context, that the second respondent passed an order in G.O.Rt.No.370, dated 29-10-2005, redesignating the petitioner as Manager. The same is challenged in this writ petition.

Learned counsel for the petitioner submits that though the substantive post of the petitioner is the Manager, he was posted as District Manager/Deputy General Manager (FAC), as the case may be, based upon his seniority. He contends that the two officers, who are junior to the petitioner, were posted as in-charge District Managers and in that view of the matter, it is not open to

respondents 1 and 2, to redesignate the petitioner as Manager.

Learned Standing Counsel for respondents 1 and 2 submits that placing of Managers as in-charge of the posts of District Manager and Deputy General Manager, is purely on administrative grounds and the petitioner cannot claim any right to be continued as in-charge Deputy General Manager. He further contends that the accidental omission, while issuing orders in G.O.Rt.No.217, was rectified by issuing the impugned G.O. and no exception can be taken to it.

Sri M.Ganga Rao, learned counsel for the third respondent, submits that his client is senior to the petitioner and that on account of the wrong description of the petitioner in G.O.Rt.No.217, his client is required to work under his junior. He supports the action taken by respondents 1 and 2.

It is not in dispute that the petitioner holds the substantive post of the Manager. The petitioner cannot have any plausible objection for being continued in that vacancy as such. However, in the matter of posting the Managers against the next superior post of District Manager/Deputy General Manager, the respondents have invariably followed the seniority. After the petitioner came to be posted as District Manager (FAC), two of his juniors by name, N.Ramesh and S.Sainath, were posted as in-charge District Managers. As long as his juniors are continued in that category may be in FAC, the petitioner cannot be made to work as Manager. The anomaly in this regard needs to be rectified.

Therefore, the writ petition is disposed of directing that respondents 1 and 2 shall follow the seniority in the cadre of Managers in the first respondent organization in the matter of issuing orders of posting as FACs to the next higher category namely, District Manager/Deputy General Manager, and the petitioner shall be continued, as long as long as any of his junior has been continued in the superior post.

There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

13th DECEMBER, 2005.

kvni